

Status Update: Water Quality Standards in California

Parameter: Mercury

Status:

- USFWS & NOAA (Services) issued draft jeopardy Biological Opinion (BiOp) for California Toxics Rule (CTR) mercury criteria in 2000 (criteria did not account for bioaccumulation).
- To avoid a Final Jeopardy BiOp, EPA agreed to develop criteria protective of threatened and endangered wildlife species, and then amend the CTR to include the new criteria.
- In 2003, EPA funded a USFWS analysis of fish-tissue methylmercury criteria for the protection of wildlife.
- Since 2003, California has adopted, and R9 has approved, site-specific fish tissue methylmercury criteria for the protection of human health & wildlife for San Francisco Bay & Delta, and several (10+) other Northern California waterbodies & watersheds, consistent with the 2003 USFWS wildlife analysis.
- In early 2007, the CA State Board proposed and took public comment on 6 options for statewide fish tissue methylmercury criteria for the protection of human health & wildlife, consistent with the 2003 USFWS analysis and discussions with R9 and Services.
- CA State Board project stalled for about 4 years, due to loss of key technical staff.
- In 2011, CA State Board filled staff vacancy, and project is now progressing in tandem with a Tribal Fish Consumption Study and a Statewide Mercury Reservoir TMDLs Project.

Milestones:

- R9 is currently working with the CA State Board on continuing with proposal to adopt human health and wildlife fish tissue criteria to satisfy ESA consultation on CTR.
- Current issues include tribal fish consumption rates and implementation procedures.
- R9 is currently working with CA State Board and their contractor on Tribal Fish Consumption Study to inform proposal [EPA 604(b)/205(j) funds of \$200K for study].
- CA State Board is currently considering a “Native American Culture” (CUL) use and a “Subsistence Fishing” (FISH) use for selected waterbodies (reflecting higher consumption).

Projected Dates:

- CA State Board anticipates Peer Review of final proposal during 4th Q FY12.
- CA State Board anticipates public review during 2nd Q FY13.
- CA State Board anticipates adoption during 4th Q FY13.

Current Draft Methyl Mercury Water Quality Standard Values:

- For Human Health: For CUL and FISH uses, TBD based on tribal consumption study; For other Human Health uses: ≤ 0.16 mg/kg in fillet (based on 32 g/day consumption).
- For Wildlife: 0.03–0.20 mg/kg wet weight, whole body fish; (0.03 mg/kg for ≤ 50 mm length fish; 0.20 mg/kg for large/TL4 fish).